

1 ANDREW R. LIVINGSTON (State Bar No. 148646)  
alivingston@orrick.com  
2 ERIN M. CONNELL (State Bar No. 223355)  
econnell@orrick.com  
3 ORRICK, HERRINGTON & SUTCLIFFE LLP  
The Orrick Building  
4 405 Howard Street  
San Francisco, CA 94105-2669  
5 Telephone: +1-415-773-5700  
Facsimile: +1-415-773-5759  
6

7 Attorneys for Defendants  
Chase Home Finance, LLC (on behalf of itself and as successor  
8 in interest to Chase Manhattan Mortgage Corporation) and  
James Boudreau  
9

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER CLARK and JAMES  
RENICK, individuals,

Plaintiffs,

v.

CHASE HOME FINANCE, LLC; a Delaware  
LLC doing business in California; CHASE  
MANHATTAN MORTGAGE  
CORPORATION, a New Jersey corporation  
doing business in California; JAMES  
BOUDREAU, an individual; and DOES 1-25,

Defendants.

Case No. 08 CV 0500 JM RBB

**DECLARATION OF ERIN M.  
CONNELL IN SUPPORT OF  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' MOTION TO  
REMAND TO STATE COURT**

Date: May 16, 2008  
Time: 1:30 p.m.  
Courtroom: 16

1 I, Erin M. Connell, hereby declare:

2 1. I am a member of the State Bar of California and an associate with the firm of  
3 Orrick, Herrington & Sutcliffe LLP, attorneys of record for defendants Chase Home Finance,  
4 LLC (on behalf of itself and as successor in interest to Chase Manhattan Mortgage Corporation)  
5 and James Boudreau. I make this declaration in support of Defendants' Opposition To Plaintiffs'  
6 Motion To Remand To State Court. The facts set forth in this declaration I know to be true of my  
7 own personal knowledge, except where such facts are stated to be based on information and  
8 belief, and those facts I believe to be true. If called as a witness I could and would testify  
9 competently to the matters set forth in this declaration.

10 2. Attached as Exhibit A is a true and correct copy of three letters dated  
11 January 9, 2008 and sent by Certified Mail by Plaintiffs' counsel to Defendants purporting to give  
12 notice of the alleged California Labor Code violations that form the basis of Plaintiffs' Sixth  
13 Cause of Action under California Labor Code Section 2699.

14 3. Attached as Exhibit B is a true and correct copy of a letter dated  
15 February 8, 2008 and sent from the California Labor Workforce Development Agency  
16 ("LWDA") to Defendants. The letter references a notice sent by Plaintiffs to the LWDA on  
17 January 9, 2008. On that ground, Defendants are informed and believe that Plaintiffs sent notice  
18 to the LWDA of the alleged California Labor Code violations that form the basis of Plaintiffs'  
19 Sixth Cause of Action under California Labor Code Section 2699 on January 9, 2008.

20

21 Executed on May 1, 2008, in the City of San Francisco State of California.

22 I declare under penalty of perjury under the laws of the State of California and these  
23 United States that the foregoing is true and correct.

24

25 /s/ Erin Connell

26 Erin M. Connell

27

28

## **INDEX OF EXHIBITS**

2	No.	Exhibit	Page
3	1.	Three letters dated January 9, 2008 and sent by Certified Mail by Plaintiffs' counsel to Defendants purporting to give notice of the alleged California Labor Code violations that form the basis of Plaintiffs' Sixth Cause of Action under California	
4			
5			
6			
7			1
8	2.	Letter dated February 8, 2008 and sent from the California	
9		Labor Workforce Development Agency to Defendants	7

# **Exhibit A**



United Employees Law Group, P.C.

January 9<sup>th</sup>, 2008

**CERTIFIED MAIL**

James Boudreau  
10790 Rancho Bernardo Road  
San Diego CA 92127

RE: Employers Names & Addresses:  
Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau  
10790 Rancho Bernardo Road, San Diego CA 92127  
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,  
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.

In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

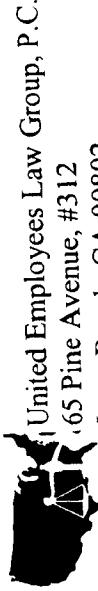
Sincerely,

Walter L. Haines  
Attorney at Law

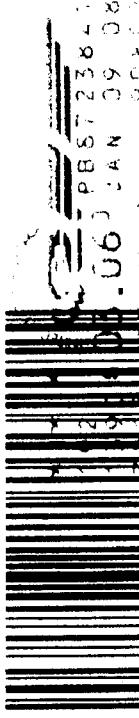
cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau  
10790 Rancho Bernardo Road, San Diego CA 92127  
(Per LC § 2699.3, by Certified Mail)

65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006

CERTIFIED MAIL



United Employees Law Group, P.C.  
65 Pine Avenue, #312  
Long Beach, CA 90802



921275705 08138

三國志演義



United Employees Law Group, P.C.

January 9<sup>th</sup>, 2008

**CERTIFIED MAIL**

Chase Manhattan Mortgage Corporation  
10790 Rancho Bernardo Road  
San Diego CA 92127

RE: Employers Names & Addresses:

Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau  
10790 Rancho Bernardo Road, San Diego CA 92127  
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,  
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.

In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

Sincerely,

Walter L. Haines  
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau  
10790 Rancho Bernardo Road, San Diego CA 92127  
(Per LC § 2699.3, by Certified Mail)

65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006





United Employees Law Group, P.C.

January 9<sup>th</sup>, 2008

**CERTIFIED MAIL**

Chase Home Finance LLC  
10790 Rancho Bernardo Road  
San Diego CA 92127

RE: Employers Names & Addresses:  
Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau  
10790 Rancho Bernardo Road, San Diego CA 92127  
Violations of Labor Code Sections 1174, 1174.5, 1194, 1197.1, 1198 and 2699, 200, 203, 210,  
218.5, 226(a), 226(e), 226(f), 226(g) 226.7, 510, 512, 558.

Dear Sir or Madam:

This law firm represents Christopher Clark & James Renick, are former employees of the Employers named above and whose respective business addresses are set forth above.

In compliance with Labor Code § 2699.3(a) (1), and your agency's right to investigate these violations, this letter shall serve as notice that we are preparing to enforce our clients' right to recover earned, but unpaid wages; our clients' right to obtain accurate and complete wage statements, compensation for denied rest periods and meal breaks and our intent to assert all relevant penalties under the Labor Code including but not limited to §§ 203, 210, 226(f), 558 and 1174.5.

Our client asserts that they were misclassified as an exempt employee and therefore, did not receive compensation for overtime hours worked in that they worked in excess of 8 hours per day and 40 hours/week on a regular basis while receiving compensation for only eight hours. (Violation of Labor Code §§ 1194, 1198 and 510). Furthermore our clients' were not permitted meal and rest breaks as mandated by law during the course of the employment relationship. (Violation of Labor Code §§ 226.7 and 512). Finally, our client asserts they did not receive accurate and complete wage statements, despite the fact that such statements were requested. (Violation of Labor Code § 1174 and 226(a)).

Pending a full investigation, any later discovered violations may be added which we intend to enforce in accordance with the Labor Code Private Attorneys General Act of 2004, Labor Code §§ 2698-2699.5.

In view of the duties imposed on your agency and this office by the statutes cited above, please be advised we will advance our calendar thirty (30) days of the date of this letter.

Sincerely,

Walter L. Haines  
Attorney at Law

cc: Chase Home Finance LLC, Chase Manhattan Mortgage Corporation, James Boudreau  
10790 Rancho Bernardo Road, San Diego CA 92127  
(Per LC § 2699.3, by Certified Mail)

65 Pine Avenue, #312, Long Beach, California 90802, Phone: (562) 256-1047, Fax: (562) 256-1006



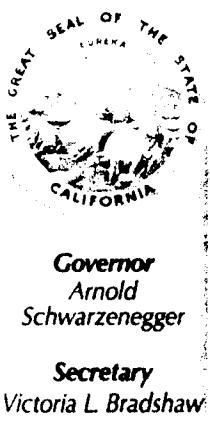
**CERTIFIED MAIL™**



7007 1490 0002 3343 17794

3242735705 Cont'd  
[Redacted]

# **Exhibit B**



# Labor & Workforce Development Agency

Date February 8, 2008

United Employees Law Group, P.C.  
 65 Pine Avenue, #312  
 Long Beach, CA 90802

Agricultural  
 Labor  
 Relations  
 Board

James Boudreau  
 Chase Home Finance LLC  
 Chase Manhattan Mortgage Corporation  
 10790 Rancho Bernardo Road  
 San Diego, CA 92127

California  
 Unemployment  
 Insurance  
 Appeals  
 Board

Re: LWDA No: 3080  
 Employer: Chase Home Finance LLC  
 Employee: Christopher Clark and James Renick

California  
 Workforce  
 Investment  
 Board

Dear Employer and Representative of the Employee:

This is to inform you that the Labor and Workforce Development Agency (LWDA) received your notice of alleged Labor Code violations pursuant to Labor Code Section 2699, postmarked January 09, 2008 and after review, does not intend to investigate the allegations.

Department of  
 Industrial  
 Relations

As a reminder to you, the provisions of Labor Code Section 2699(i) provides that "...civil penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the LWDA for enforcement of labor laws and education of employers and employees about their rights and responsibilities under this code". Labor Code Section 2699(l) specifies "[T]he superior court shall review and approve any penalties sought as part of a proposed settlement agreement pursuant to this part".

Economic  
 Strategy  
 Panel

Consequently you must advise us of the results of the litigation, and forward a copy of the court judgment or the court-approved settlement agreement.

Employment  
 Development  
 Department

Sincerely,

Employment  
 Training  
 Panel

*Robert A. Jones*

Robert A. Jones  
 Deputy Secretary